IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO. 894 OF 1999

.SP1

Ratnakar Bank Ltd .....**Plffs.**

vs.

Jayesh Agarwal and ors. .....**Defnds.**

Vasant Shelke i/b. Divekar and Co. for the plffs.

None for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 29TH AUGUST, 2005.

P.C. :.

1. The present suit is filed on two cheques for sum of Rs.2,45,856/- and Rs.2,52,244/- aggregating

to Rs.4,99,200/-. It is the case of the plaintiff bank that the defendant no.3 discounted with the plaintiffs the hundies and inrespect of which the aforesaid amount was due and payable. The defendant no.1 issued two cheques for the aforesaid amount but the said cheques were dishonoured and therefore both the defendant no.1 as drawee of the cheque and defendant no.2 as the person who is the drawer of the bill of exchange and discounted with the plaintiff bank are liable for the aforesaid amount. Accordingly the suit is filed for the recovery of the aforesaid amount as against the defendant no.2. Unconditional leave to defend was already granted. The plaintiff states that he does not press the suit as against the defendant no.2. As against the defendant no.1 and 3 there is amount due and payable by the defendant no.2 and 3 to the plaintiff herein.

2. In the aforesaid there shall be decree as prayed with the modification that the interest chargeable will be 18% p.a. from the date of cheque i.e. 15.12.97 till payment and or

realisation. Suit decreed accordingly. Refund of court fees as per rules. No order as to costs.

3. Affidavit of service dated 21.5.2001 is filed which contains the acknowledgment of the defendant no.1 and 3. The same is taken on record.

****